

After determining that the permit application was technically complete and complied with the requirements of the Solid Waste Regulations, a public notice was published noting the

technical completeness of the application and inviting the public to comment on the application. Although the public notice was published in both the *Times Picayune* and *The Advocate*, the LDEQ received no public comments or requests for public hearing on the application.

3.

On December 28, 2004, the LDEQ issued Standard Permit P-0375 to the City of New Orleans for a Type III Construction and Demolition Debris and Woodwaste landfill – the Gentilly Landfill.

4.

On August 29, 2005, Hurricane Katrina (hurricane) struck Louisiana, causing widespread damage within numerous parishes, including Orleans Parish. By State of Louisiana Proclamation No. 48 KBB 2005, the Governor declared on August 26, 2005, that a state of emergency exists in the state of Louisiana, as Hurricane Katrina posed an imminent threat, carrying severe storms, high winds and torrential rain that caused flooding and damage to private property and public facilities and threatened the safety and security of the citizens of the state of Louisiana. By State of Louisiana Proclamation NO. 54 KBB 2005, the Governor extended the state of emergency due to the extreme damage caused by Hurricane Katrina and the continuing disaster and emergency conditions in the affected areas

5.

On August 30, 2005, the Secretary of the LDEQ exercised the legal authority granted to him pursuant to the provisions of Louisiana Revised Statutes 30:2001 *et seq.*, and particularly

La. R.S. 30:2033 and 2011(D)(6), and issued a Declaration of Emergency and Administrative Order wherein he declared that an emergency exists, and that certain measures were necessary to prevent irreparable damage to the environment and serious threats to life or safety throughout the designated Emergency Areas, including Orleans Parish. This Emergency Declaration was amended on September 3, 2005, November 2, 2005, and November 17, 2005 and more recently on January 13, 2006.

6.

On September 29, 2005, the LDEQ issued to the City of New Orleans an Order Authorizing Commencement of Operation authorizing the utilization of the Gentilly landfill for disposal of the massive amounts of hurricane generated construction and demolition debris in the New Orleans area.

7.

On October 31, 2005, the Louisiana Environmental Action Network (LEAN) filed a Petition for Judicial Review of the September 29, 2005, "Order Authorizing Commencement of Operations."

8.

For the reasons fully set forth in the Decision With Reasons, which is incorporated herein and made a part hereof, to clearly articulate the basis for the LDEQ's decision to use the Gentilly landfill for disposal of the massive amounts of hurricane generated construction and demolition debris, the Order Authorizing Commencement of Operations, issued by the LDEQ on September

29, 2005, and the subject of pending litigation (LEAN v. LDEQ, 19th JDC, No. 537-649 Sec. “8”), is hereby revoked. Further, the Gentilly landfill is hereby authorized to continue to be utilized as a disposal facility for hurricane generated construction and demolition debris pursuant to the LDEQ’s authority under the Louisiana Environmental Quality Act, La. R.S. 30:2001, *et seq.*, specifically, La. R.S. 30:2033 and La. R.S. 30:2011(D)(6), and the LDEQ’s Declaration of Emergency and Administrative Order. The landfill shall be operated in accordance with Standard Permit-0375 and any LDEQ specifically authorized deviations therefrom. This authorization is issued for a term of 90 days from the date of this Order, until the expiration of the Emergency Declaration, or upon completion of the hurricane generated construction and demolition debris operation for which this site is approved, whichever occurs first.

Chuck Carr Brown, Ph.D.
Assistant Secretary

Date